



Wellesley
MASSACHUSETTS

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Wetlands Protection Committee Minutes 4/28/2016

Town of Wellesley
Wetlands Protection Committee
Meeting Minutes
April 28, 2016

Approved 10/13/2016

Meeting Location: NRC Office, Lower Level, Town Hall
525 Washington Street
Wellesley, MA 02482

Present: Members Robert Collins (Chair), Richard Howell, Carl Sciple, J.S Waugh, Peter Jones, Linda Hansen (Wetlands Administrator), and Sarah Clarren (Administrative Support)

Guests: Lloyd Geisinger, Diane Simonelli, Eugene Giller, Raisa Milkin, Scott Henderson, David Cowell, Bill Larrenaga, Dan Gordon, Stan and Leslie Smith, Ryan Hutchins, and Peter Stephens

Public Voice

S. Clarren, the Board's new minute taker, was introduced to the Committee.

Administrative Business

- The Committee reviewed the calendar for upcoming meetings
- *Discussion: Violation – 67 Lowell Road – Stan and Leslie Smith*, D. Gordon (landscape architect of owner), and Bill Larrenaga (abutter) were present. The WPC conducted a site visit earlier in the day in order to address an issue that was raised by neighbors. The owners of 67 Lowell Road constructed an unpermitted berm and have since planted arborvitae on top of the berm. Water pools behind the berm, impacting the neighboring property. D. Gordon proposed removing a stump and yard waste near the far end of the berm in order to increase drainage in the area. The Committee concluded that cutting a 6-12in drainage trench should be adequate for now and will reexamine the site after a few storms in order to see if the issue is resolved. **C. Sciple made and Waugh seconded a motion to give L. Hansen administrative approval to approve a mitigation plan submitted by D. Gordon; the Wetlands Protection Committee (WPC) voted 5-0 to accept the motion.**

- *TenAcre Country Day School*, MassDEP #324-0772 – Certificate of Compliance Request (Full) – owners were not present and the requested as-built plan showing the stormwater management has yet to be submitted. **No action.**
- *8 Brookfield Circle*, MassDEP#324-0822 – Certificate of Compliance Request (Full) – The WPC reviewed the newly submitted plan. The April 17th letter from D. Simonelli provided the difference in impervious surface from proposed and as-built. The WPC responded that even if that is the case, no maintenance plan has been provided for the deck. Ms. Simonelli stated that no maintenance plan was provided with the pavers and then asked the WPC what a maintenance plan would entail, to which the WPC suggested having a civil engineer come to the Natural Resources Department and examine other maintenance plans that have been submitted with other projects. The maintenance plan would be included in a Certificate of Compliance, which would be recorded at the Registry of Deeds, and will therefore be maintained in perpetuity. The WPC then stated that when an adequate maintenance plan is submitted, a Certificate of Compliance could be issued, with a minor modification. **No action.**
- *6 Twitchell Road*, MassDEP# 324-0793 – Certificate of Compliance Request (Full) The WPC examined the three differences from the permitted plan to what was built (the Cultec location, plantings, and deck). The WPC stated that during a site visit, a bulkhead was installed that wasn't shown on the plan. The WPC expressed concern that a registered professional would stamp a plan that was not accurate and then considered requiring a second opinion on the current plan. Ms Simonelli intervened by stating that the missing bulkhead can be attributed to the fact that the building department exempts so many sq. ft. of bulkhead on plans. She then tried to present a new plan, which the WPC would not accept during the hearing. She then went on to describe the plan which includes a list of trees on the lot, the location of infiltration slightly modified, and part of the permitted pervious patio is now a covered deck. The WPC stated that this is more impervious surfaces than permitted and then requested for the recharge calculations to be redone. The WPC also asked for the representative's letter to be rewritten to include the changes in the plan. The Committee then stated that if no mitigation plantings had been done, the plantings will be required for these changes. **No action.**
- Minor Modification request: 265 Grove Street. Mr. Geisinger requested a minor change to the patio configuration and deck. He stated that in the original submission, the deck was shown across the back of the house and was later eliminated in part of the plan, which also included a retaining wall, was approved by the WPC. They now decided to construct the originally proposed deck. Mr. Geisinger then directed the WPC's attention to a summary sheet that had been provided which includes the following changes: the original patio was 345 sq ft and is now proposed to be 577 sq ft and a permitted set of stairs will not be constructed. He then went on to say that in the original plan, the retaining wall was large and ugly and in the proposed revised plan, the wall is buried and a planting bed will be built on top of it. The WPC asked if the proposed plan contains more impervious surfaces than originally permitted, to which the Mr. Geisinger said that he is unsure and will have to do calculations. The WPC then asked what the maintenance plan is, to which the owner said that one has not been drafted yet. He went on to say that the limit of work will not change and any runoff from the bluestone patio will go to the planting bed for filtration. The WPC said that they do not have an issue with the proposed changes, as long as a maintenance plan is submitted in addition to new calculations showing the infiltration for the entire project. Mr. Geisinger then said that the building department requires WPC approval on the wall for a building permit; the WPC gave the retaining wall administrative approval. L. Hansen then stated that an abutter had alerted her to trees being cut down on the property. L. Hansen asked Mr. Geisinger where trees were removed, to which he said trees were removed in locations shown on the plan. L. Hansen

stated that she noticed more tree stumps than what was approved and would visit the site once more. **No action.**

Public Hearings – New and Continued
26 Pickerel Road – NOI, MassDEP #324-0821 – Continued

Raisa Milkin and Eugene Giller were present.

The WPC reviewed Exhibit A and noted that the project will have no impact on the BVW. The WPC asked if any Special Conditions should be added, to which L. Hansen responded only Standard Conditions are included at this time. The WPC stated that a specific number of trees that will be planted for mitigation should be provided and that smaller trees are preferable as they are less likely to disturb the bank.

R. Howell made and P. Jones seconded a motion to close and issue the Order with the minor modifications; the WPC voted 5-0 to close and issue the Order.

11 Pickerel Road – NOI, MassDEP #324-0822 – Continued

The WPC reviewed the revised plan and Exhibit A. The WPC noted that there was no number of trees that will be planted on the plan. The WPC continued to state that 4-6 trees would be adequate, but a 75% survival rate is needed; a revised plan showing the amount of trees to be planted should be submitted.

P. Jones made and C. Sciple seconded a motion to close and issue the Order with the minor modifications; the WPC voted 5-0 to close and issue the Order.

33 Pilgrim Road – NOI, MassDEP #324-0825 – Continued

Representative Scott Henderson was present.

L. Hansen began by stating that Tracy Reed, a neighbor, called regarding concerns of drainage issues. T. Reed had stated that currently, there is a sump pump that is directed towards her property and wanted to make sure that no more water will be directed towards her home. S. Henderson stated that he is not aware of a sump pump, but as proposed, there is no sump pump included in the plans.

L. Hansen asked if the basement would be higher than the previous home, to which S. Henderson said that it would be 3 or so inches higher. The WPC then asked that because a tree is being removed, will there be any mitigation plantings, to which S. Henderson said no. L. Hansen then stated that she saw the plantings shown on the plan as an improvement.

P. Jones made and S. Waugh seconded a motion to close and issue the Order with the minor modifications; the WPC voted 5-0 to close and issue the Order.

48 Mayo Road – NOI, MassDEP #324-0824 – Continued

Representative Scott Henderson was present.

The Committee reviewed Exhibit A and L. Hansen stated that an operations and maintenance plan was also submitted. The WPC asked L. Hansen to remove the word 'increase' in Exhibit A where it states "...increase of 2,760 sq ft of alteration..."

The Committee then asked if there are any mitigation plantings proposed, to which Mr. Henderson said that there are and a plan was submitted by EcoTec. The representative then stated that the new plan shows the changes regarding the erosion control areas that the WPC had asked for. The WPC asked L. Hansen to include a Special Condition about what the markers are made of. The representative said that the owners prefer a granite marker that will be in the ground. The WPC said that another Special Condition should be included that states that no less than two permanent bounds can be used. The WPC then said that the markers should be used to delineate BVW. The WPC then asked L. Hansen to include a sentence about the required height of the markers.

C. Sciple made and P. Jones seconded a motion to close and issue the Order with minor modifications; the WPC voted 5-0 to close and issue the Order.

109 Barton Road, MassDEP #324-0722 – Amended

L. Hansen said that she received a plan that includes a stormwater plan, which the Town engineers reviewed and found no issues with. L. Hansen needs to revise Exhibit A for an amended permit. **The hearing was continued until the next meeting.**

25 Woodchester Road, MassDEP #324-0819 – continued

L. Hansen said she has not yet drafted the Order of Conditions. The WPC reviewed Stormwater comments from the DPW; Dave Hickey reviewed the proposed retaining wall plan. L. Hansen said that she had spoken with George Saraceno and the property owner was asked to send the video showing the inside of the culvert, but has yet to do so. George Saraceno sent an email stating that the WPC should condition four things, including 1. Two feet of separation between the bottom of the infiltration system and groundwater; 2. Town engineer be present when the manhole is raised; 3. Allow the Town to inspect the conditions of the existing drain pipes; and 4. The homeowner is responsible for maintenance and repair of the retaining wall built over the drainage easement. The WPC stated that all of the suggested conditions were reasonable. The WPC suggested requesting a letter from the owners stating that they will maintain the wall in perpetuity. The WPC also suggested that the email from George Saraceno should be included in the Order of Conditions, which can now be drafted.

L. Hansen stated that all previous outstanding issues have been resolved. The homeowner stated that he will provide George Saraceno with what he needs. **The hearing was continued until the next meeting.**

10 Old Farm Road, MassDEP #324-0814 – continued

L. Hansen said that on May 3rd, at 10 am, the wetland confirmation is scheduled with LEC.

17 Colby Road, MassDEP #324-0820 – continued

Representatives Diane Simonelli, Diana Simon, and Ryan Hutchins were present

Ms. Simonelli began by stating that since the last hearing, more information has been submitted. She referenced a letter stating that the owners wish to remove a pine tree and how they will mitigate that loss. She also said that the newly revised landscape plans show how the removal of the tree will be mitigated; all work, including the driveway, will now be outside of the 100ft buffer. She continued to state that the driveway was moved outside of the buffer to reduce the risk of erosion and any runoff into the stream.

D. Simonelli said that 6 new trees would be planted; even though this location is exempt from the tree bylaw, the plantings will meet its requirements. The planting list shown on the plan lists all possible plants. She continued to state that most of the suggested planting have berries, nuts, and flower. D. Simonelli continued to state that near the stream, deciduous shrubs will be planted.

L. Hansen asked how tall the proposed wall is, to which Mr. Hutchins said it will be 3.5' at its highest and D. Simonelli added that the wall recedes to grade. D. Simonelli also added that the proposed porous patio is now only located in the back of the home.

The WPC stated that their responsibility is to review alternatives and conclude which one is best; the WPC stated that they are not convinced that the mitigation plans proposed are better than leaving a large, older tree. Mr. Hutchins asked the WPC what is better for the resource areas, leaving one tree, or moving a driveway out of the 100ft buffer and the WPC responded by stating that an arborist has said that the large tree is in good condition and provides many natural benefits. The owner responded that he plans to mitigate the loss of the one tree with many trees, which will eventually grow to similar height. The Committee said that the proposed plantings will be good, but the value of them will not surpass the value of the tree for many years. Ms. Simon stated that the suggested plantings will create a multi-layered canopy, which will add substantially more diversity to the resource area. D. Simonelli stated that hemlocks will be removed and native American Hollies will be planted in their instead. The WPC asked Mr. Hutchins if there was no economic impact to keeping the tree, if he would be satisfied with the driveways current location, to which he stated that he doesn't look at mitigation as a penalty, he looks at it as what is best for the environment and the home. He continued by stating that the proposed mitigation plan will leave the property in a better condition than it was before.

The WPC said that a peer review should be considered in order to determine if the mitigation plan has more value than the tree. The WPC also suggested having the Town Arborist examine the tree. **The hearing was continued for three weeks.**

45 Ravine Road, MassDEP #324-08xx – continued

Peter Stephens and Dan Gordon were present.

L. Hansen began by stating that previously, an RDA was submitted, which concluded with a positive determination. The file for the previous OOC for the home construction cannot be located. On a recent site visit, the contractor at the abutting property noted that the lot is on peat and shakes. L. Hansen asked Mr. Gordon if he was aware of that, to which he said he was and that he is seeking advice from geotechnical engineer.

At the last meeting, Mr. Gordon was asked to give more detail on the drainage system, including how it would hold up during a 100 year storm. Peter Gamby was contacted earlier in the week and has visited the site. A report will be provided showing how the drainage system will withstand a 100 year storm.

Mr. Stephens stated that test pits were dug 7ft down and ground water was not observed; based on the tests, the engineer is confident they can create an adequate drainage system.

Mr. Stephens stated that there is additional clearing than proposed in the original NOI submission, but more plantings are proposed. Four more oaks are proposed for removal outside of the buffer and more ground cover will be planted; all trees will have double the caliper than what was there previously.

Mr. Stephens stated that roughly 1,800 cubic yards of earth will be excavated and some of it, if the fill is good enough, will be used on site. The WPC asked how many dump truck loads will utilize the temporary road, to which P. Stephens stated around 90 trips. He said that there will be an interim, temporary impact on the wetlands. The temporary access road will be stabilized by stripping the loam, adding trap rock as a base layer and spreading a dense load of stone on top. On that, a mat will be placed to stabilize the road and erosion control will be placed on either side. All rocks on the roadbed will be removed once the project is completed.

L. Hansen stated that she was concerned that the plan removes mitigation plantings from a previous NOI, but Mr. Gordon said that they transplanting them. He continued to state that they are enhancing the resource area by enhancing it and making it part of the property. He then stated that it is an isolated wetland and that invasive species would be removed. A pool enclosure will be installed.

Regarding the proposed project schedule, P. Stephens said that they hope to get the project to bid in four weeks and construction would be planned for July. The plantings would be done in early spring. The WPC asked how long the temporary road would be in place, to which P. Stephens said until sometime in autumn, but that depends on construction. The WPC requested a cross-section diagram of the road be provided, to which P. Stephens described the road as being 14 ft wide with a 45 degree shoulder on it.

The WPC stated that the hearing should be continued; a plan still needs to be provided and Special Conditions will need to be drafted. The WPC asked P. Stephens to find a way to document the pre-existing conditions so they will be able to confirm that what is there today will be there after construction is completed. (Howell suggested a peer review, before and after). P. Stephens asked if the WPC come to a decision at the next hearing, to which the WPC stated that it is possible and that L. Hansen will work on an OOC draft. **The hearing was continued until the next meeting.**

23 Brookfield Road, MassDEP# 324-0725—amended permit and enforcement order

Representative D. Cowell was present for the hearing.

D. Cowell began by stating when the current owners purchased the home, they hired a landscape architect to design and install plantings. A proposed plan was submitted to the WPC, but no NOI was provided. The contractor removed all the vegetation along Boulder Brook, including the mitigation planting, which destabilized the bank. A walkway and shed were also installed without a permit. The WPC issued an enforcement order.

The current homeowners are no longer working with the landscape architect that they had hired, as they had violated the enforcement order. James Emmanuel has been hired and is now working on drafting a plan. D. Cowell asked if it would be permissible to allow nonnative vegetation to be used as visual barricades between homes, to which the WPC stated that mitigation will need to be done and after sufficient mitigation is done, ornamentals may be used. D. Cowell stated that as currently

proposed, there will be far more plants than what was mitigated in last NOI. L. Hansen said that the Town Arborist and the owner's landscape architect should meet to discuss the planting plan, to which D. Cowell agreed. D. Cowell then asked how the owners should proceed, to which the WPC stated that they should file for an amended Order of Conditions. It was then decided that an extension should also be requested, as the original Order will expire in December of 2016. **The hearing was continued for three weeks.**

99 Great Plain Ave – RDA — new

During a site visit, it was determined that trees were removed in the resource area and there may be encroachment issues. Since the home owners are not present, the hearing **was continued for three weeks.**

Keolis Commuter Services, RDA

L. Hansen introduced the proposed project which involves a yearly operations plan to control vegetation with herbicide application along commuter services right of way. The RDA contains the same wetlands delineation from a RDA request from 2013. The WPC requested a new delineation be provided, as wetlands delineations change over time. **The hearing was continued for three weeks.**

Adjournment

J. S. Waugh made and R. Howell seconded a motion to adjourn the meeting; the WPC voted 5-0 to adjourn at 10:42pm.